

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Dennis E. Hecker,

Debtor.

Case No. BKY 09-50779

Chapter 7 Case

**LIMITED OBJECTION OF CHRYSLER FINANCIAL SERVICES AMERICAS
LLC TO TRUSTEE'S MOTION FOR ORDER AUTHORIZING SALE
OF ASSETS FREE AND CLEAR OF LIENS**

Chrysler Financial Services Americas LLC ("Chrysler Financial") by and through its undersigned counsel, files this limited objection (the "Objection") to the Motion for an Order Authorizing Sale of Assets Free and Clear of Liens (the "Motion") filed by Randall L. Seaver, the Chapter 7 trustee (the "Trustee") in the above-referenced case involving Dennis E. Hecker (the "Debtor"). In support thereof, Chrysler Financial states as follows:

1. As evidenced by Chrysler Financial's filed proof of claim in this case, the Debtor was indebted to Chrysler Financial in an amount exceeding \$360,000,000 as of the Petition Date. Chrysler Financial holds a perfected security interest in substantially all of the Debtor's personal property, including without limitation all of the Debtor's equipment, including all furniture, fixtures, machinery, tools and all additions, substitutions, replacements, accessories, attachments and accessions, together with all products and proceeds thereof.

2. Pursuant to the Motion, the Trustee seeks to sell a Harley-Davidson motorcycle and certain docks and boat lift systems to the Debtor for an aggregate purchase price of \$40,000, subject to higher and better offers.

4. Chrysler Financial does not object to the relief sought in the Motion except to the extent the Trustee seeks authority to sell this property to the Debtor without inquiry and confirmation as to the source of funds the Debtor will use to purchase the property. According to the Debtor's Schedule I (*Current Income of Individual Debtor(s)*), the Debtor has no current income. In response to question 17 of this schedule ("*[d]escribe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document*"), the Debtor states:

"Debtor is not drawing a regular salary. Debtor's income has been based on the availability of funds from owned entities, most of which have ceased operations or are winding down operations. Debtor anticipates income at substantially lower levels than in the past, but is unable to anticipate future income at this time."

5. In addition, the Trustee has recently filed a motion to compel the Debtor to file complete and accurate schedules asserting that he believes the Debtor's schedules and statement of financial affairs are incomplete and inaccurate, and identifying various substantial known omissions.

6. In these circumstances, Chrysler Financial believes there is a substantial risk that the Debtor will utilize undisclosed funds or property constituting property of the estate to purchase the property to be sold pursuant to the Motion. Accordingly, Chrysler Financial submits that no such sale of these assets to the Debtor should be authorized unless and until Debtor satisfactorily identifies the source of funds to be utilized and it is determined that such funds are not property of the estate.

WHEREFORE, Chrysler Financial respectfully requests that the Motion be denied insofar as it seeks authority to sell the described property to the Debtor, unless and

until it is determined that the purchase price will not be paid from property constituting property of the estate.

Dated: October 5, 2009

Respectfully Submitted,

/s/ Stephen F. Grinnell

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GP:2652676 v1

UNITED STATES BANKRUPTCY COURT
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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2009, I caused the following:

Limited Objection of Chrysler Financial Services Americas LLC to Trustee's Motion for Order
Authorizing Sale of Assets Free and Clear of Liens

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of
the electronic filing to the following:

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I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following non-ECF participants:

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